

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALAN THIBAUT,

Plaintiff,

Case No. 15-11358

Hon. Matthew F. Leitman

v.

EDWARD WIERSZEWSKI,

Defendant.

ORDER ON MOTION HEARING

On April 14, 2015, Plaintiff Alan Thibault (“Thibault”) filed this civil-rights action against Defendant Edward Wierszewski (“Wierszewski”). Among other things, Thibault alleges that Wierszewski wrongfully arrested him after Wierszewski mistakenly concluded that Thibault had been driving under the influence. (*See* Compl., ECF #1.)

Wierszewski has now filed a motion seeking summary judgment (the “Summary Judgment Motion”). (*See* ECF #13.) Wierszewski also seeks to exclude the testimony of Thibault’s expert witness Marty Bugbee (“Bugbee”) (the “Motion to Exclude”). (*See* ECF #14.)

Thibault filed responses to both motions. (*See* ECF ## 14, 15.) Thibault also filed a “notice” with the Court that purports to file Bugbee’s written expert report as an exhibit to Thibault’s response to the Summary Judgment Motion (the

“Notice”). (*See* ECF #20.) In response to the Notice, Wierszewski filed a motion requesting leave to file a sur-reply addressing Bubee’s report (the “Motion for Leave”). (*See* ECF #21.)

The Court held a hearing on all of the pending motions on June 6, 2016. For the reasons stated on the record, **IT IS HEREBY ORDERED** that the Notice, including the expert report, is **STRICKEN** from the record, and the Court will not consider Bugbee’s expert report when ruling on the Summary Judgment Motion. **IT IS FURTHER ORDERED** that the Motion for Leave is **DENIED AS MOOT**.

In all other respects, the Court takes the Summary Judgment Motion and the Motion to Exclude under advisement.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 7, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 7, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113